THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.24408 OF 2005

Dt.18.11.2005

Between:

Toddy Tappers Co-operative Society,

Mulapadu Village, Ibrahimpatnam Mandal,

Krishna District, rep. by its President,

Pajjuri Das … Petitioner

And

The Prohibition and Excise Superintendent,

Vijayawada, Krishna District. … Respondent

ORDER:

Heard the learned counsel for the petitioner as well as the Government Pleader for Prohibition and Excise.

The petitioner questions the impugned proceedings dated 28.10.2005 in suspending the T.C.S licence of Mulapadu Village, Ibrahimpatnam Mandal, Krishna District pending enquiry. While suspending the licence, another show cause notice dated 28.10.2005 is also issued. The licence of the petitioner has been suspended based on the analyst report of Excise Department on 9.6.2005 wherein it is stated that the toddy has been found adulterated with diazepam. It is stated that the licence of the petitioner has been kept under suspension pending enquiry as a precautionary and temporary measure to prevent the sale of adulterated toddy to safeguard public health.

Therefore, I do not see any merit in the contention of the learned counsel for the

petitioner that before the suspension of licence the petitioner is entitled for any notice. However, as the petitioner is said to have filed an explanation on 9.11.2005 within the prescribed time, the respondent shall consider and dispose of the same in accordance with law after giving reasonable opportunity to the petitioner, within six weeks from the date of receipt of copy of this order. I am also of the opinion that the respondent has rightly suspended the licence of the petitioner to prevent sale of adulterated toddy.

The writ petition is accordingly dismissed. No costs.

_____

(V.ESWARAIAH, J.)

18.11.2005

kpr